

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00643-FDW-DCK

BRANDON PATRICK LINK,

Plaintiff,

vs.

PENNSYLVANIA STATE POLICE;
TODD A. ADAMSKI; LIBERTY
TRANSPORTATION, INC.; JOSEPH
HUTH; MARC PALLA; and LANDMARK
LEASING, INC.,

Defendants.

ORDER

THIS MATTER is before the Court on Defendants Liberty Transportation, Inc.; Landmark Leasing, Inc.; Mark Palla; and Joseph Huth's Motion to Strike. (Doc. No. 28). Defendants originally moved to dismiss or transfer the above captioned action on May 18, 2015. (Doc. No. 17).¹ The Court then notified Plaintiff, who is proceeding pro se, of his opportunity to respond to Defendants' Motion and of his burden in doing so. (Doc. No. 19). Plaintiff filed a response on May 29, 2015 (Doc. No. 23). Thereafter, Defendants filed a reply (Doc. No. 25). Now, Plaintiff has filed an additional "Response to Moving Defendant's Reply in Support of Their Motion to Dismiss" (Doc. No. 27). Defendants argue that neither the Federal Rules of Civil Procedure nor the Local Rules for the Western District of North Carolina allow Plaintiff to file a surreply. See Local Rule 7.1 (a memorandum in support, a response in opposition, and a reply are the only filings contemplated). The Court agrees. Plaintiff had a full opportunity to respond to

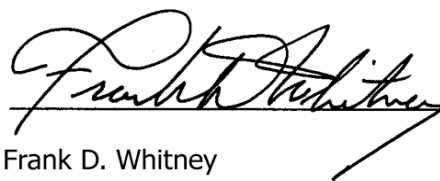
¹ Plaintiff claims in his surreply that he never received any motions filed by the Defendants except Defendant's Reply. However, not only did Defendants mail a copy of their Motion to Dismiss to the address Plaintiff originally provided as his mailing address (which has since been changed), Plaintiff timely responded to that motion. Therefore, actual notice was achieved. Defendants and the Court have made every effort to mail Plaintiff each filing in spite of his originally providing an incorrect address.

the motion to dismiss and in fact did so through his filing on May 29. Therefore, Defendants' Motion to Strike is **GRANTED**.

The Clerk is respectfully directed to send a copy of this Notice to Plaintiff at 3838 Fircrest Road, Charlotte NC 28217, and to counsel for Defendants.

IT IS SO ORDERED.

Signed: June 18, 2015



Frank D. Whitney
Chief United States District Judge

